

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

BRANDI ALISHA TESCH and
JIMMY DELL CARTER,

Civil 05-699 JRT/FLN

Plaintiffs,

v.

ORDER

APRIL MARIE NOVOTNY,

Defendant.

BRANDI TESCH AND JIMMY CARTER, 2288 County Road I, #8, Mounds View, Minnesota 55112, *pro se* plaintiffs.

No appearance on behalf of defendant.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated May 9, 2005, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that this action is dismissed without prejudice.

DATED: June 2, 2005
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge